THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10396 OF 2006

DATED 26.06.2006

BETWEEN

Ommi Rami Naidu and others.

… Petitioners

and

The District Collector, Visakhapatnam District,
Visakhaptanam and another.

… Respondents

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WRIT PETITION No.10396 OF 2006

ORDER:

The four petitioners are sons of one Appala Swamy, who was the owner of land admeasuring 500 square yards situated at Pedagadili Panchayat of Chinagadili Revenue village. A cattle shed and thatched houses were raised. After death of their father, petitioners allegedly divided the property and constructed houses in 1985. They allege that they are also paying municipal taxes and panchayat taxes. It is their case for the purpose of writ petition at para 4 of the affidavit is as under.

> While so, on 06.05.2005, at about 11.00 a.m., the 2nd respondent and his officials have inspected my house and asked me and other two petitioners to vacate the premises within one week. I submit that I and other petitioners have requested him about our povertyness and long possession and enjoyment of the houses, but he did not heed our request and further cautioned that by 12.05.2006, he will come with proclaimer and demolish our houses. Hence we are apprehending threat of demolition from the respondents. I further submit that the 2nd respondent has not served any notice to me or two other petitioners, which is violative of principles of natural justice and also violative of Articles 14 and 300-A of the Constitution of India.

After getting instructions, the learned Assistant Government Pleader for Revenue (General) submits that the allegation that the second respondent went to the petitioners' premises on 06.05.2005 is not correct and that the writ petition is filed on a mere apprehension.

In view of the submission made by the learned Assistant

Government Pleader, this Court holds that the writ petition is filed by making incorrect statement. Therefore, this writ petition is dismissed. No costs.

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(V.V.S.RAO,J)

26.06.2006
pln